

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Applicant(s): B.M. Jakobsson

Case: 31

Serial No.: 09/769,511

Filing Date: January 25, 2001

Group: 3628

Examiner: Freda A. Nelson

Title: Call Originator Access Control Through User-Specified
Pricing Mechanisms in a Communication Network

REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The remarks which follow are submitted in response to the Examiner's Answer, dated December 8, 2006, in the above-identified application. The arguments presented by Applicant (hereinafter "Appellant") in the Appeal Brief, dated October 9, 2006, are hereby incorporated by reference herein.

Appellant will respond herein to certain arguments raised by the Examiner in Section (10), pp. 7-13, of the Answer.

Independent Claim 16

At pp. 8-10 of the Answer, the Examiner rebuts the arguments made in Appellant's Appeal Brief regarding the §103(a) rejection of independent claim 16. At p. 8 of the Answer, for example, the Examiner argues that the Appellant has improperly argued against each of the §103(a) references

individually. Appellant respectfully disagrees and refers the Board to, for example, the first full paragraph on p. 7 of the Appeal Brief. This paragraph clearly shows that Appellant has considered the references collectively.

Later, on p. 9 of the Answer, the Examiner responds to Appellant's argument on p. 7 of the Appeal Brief where Appellant notes that "Greene refers to 'subscriber's specified call billing parameters' (*emphasis added*) rather than subscriber-specified call billing parameters." The Examiner states:

Appellant's arguments appearing on Page 7 of the appeal brief is that in claim 16, Greene refers to "subscriber's specified billing parameters" **rather than** subscriber-specified call billing parameter [sic]. The examiner believes that "rather than" means "other than", [sic] yet the appellant has not supplied the examiner with another option. The examiner is unable to determine the difference between "subscriber's specified" and subscriber specified" [sic].

Appellant notes that "rather than" does not mean "other than," but typically means "instead of." See, e.g., The American Heritage Dictionary of the English Language, Fourth Edition, Houghton Mifflin Company, 2004. Therefore, the Examiner's comment concerning lack of "another option" is untenable. Moreover, one skilled in the art would recognize a clear difference between "subscriber's specified call billing parameters" and "subscriber-specified call billing parameters." The former billing parameters may not be specified by the subscriber, but instead, may be specified by a different entity for the subscriber. The latter billing parameters are necessarily specified by the subscriber itself.

The Examiner also argues on p. 9 of the Answer that the Appellant has attempted to improperly read limitations of the specification into the claims when discussing Greene on p. 7 of the Appeal Brief. Appellant again respectfully disagrees. Appellant refers the Board to the third full paragraph on p. 7 of the Appeal Brief. Appellant believes that this paragraph clearly indicates that the Appellant is not attempting to read limitations of the specification into the claims.

Finally, on pp. 9 and 10 of the Answer, the Examiner starts to rebut Appellant's argument concerning motivation to combine references found on p. 8 of the Appeal Brief, but fails to complete the rebuttal. The Examiner apparently failed to finish writing this portion of the Answer.

Dependent Claim 9

On p. 10 of the Answer, the Examiner argues that Greene teaches the elements of claim 9 because Greene states:

The subscriber's specified call billing parameters are then incorporated into a standard Automatic Message Accounting record which is generated by the carrier switch network for each call and sent to the billing system which processes the charges for inclusion in the network bill sent to the caller and credits a portion of those charges to the account of the person called.

Greene, col. 2, ll. 61-67. However, Appellant respectfully suggests that this portion of Greene fails to teach or suggest that "user-specified cost information is stored in a database associated with the user terminal" in the manner claimed. This portion of Greene, in fact, teaches nothing about the storage of information.

Dependent Claim 12:

On pp. 10 and 11 of the Answer, the Examiner essentially repeats the argument provided in the Final Office Action with respect to dependent claim 12. Consequently, Appellant chooses to rely on the argument directed at the rejection of this claim provided on p. 9 of the Appeal Brief without further comment.

Dependent Claim 6

On p. 6 of the Answer, the Examiner provides additional argumentation directed at showing that Harrison teaches or suggests some limitations of dependent claim 6. Nonetheless, Appellant respectfully suggests that this additional argumentation is moot because Harrison fails to remedy the

fundamental deficiencies of Greene, Lynch-Aird, and Chang with respect to the base claim of dependent claim 6, namely independent claim 16.

Dependent Claims 13 and 14

On pp. 11 and 12 of the Answer, the Examiner essentially repeats the argument provided in the Final Office Action with respect to dependent claims 13 and 14. Consequently, Appellant chooses to rely on the argument directed at the rejection of these claims provided on p. 9 of the Appeal Brief without further comment.

In addition, on pp. 12 and 13 of the Answer, the Examiner further argues that Haralambopoulos does not change the principle of operation of Greene in the manner asserted by Appellant on p. 11 of the Appeal Brief because merely providing an automatic means to replace a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art. *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). Appellant respectfully suggests that this argument is not relevant to the argument provided by the Appellant in the Appeal Brief. In the Appeal Brief, Appellant is arguing that Haralambopoulos changes the principle of operation of Greene and, as a result, these references cannot be combined to create a valid *prima facie* obviousness rejection of claims 13 and 14. Appellant is not arguing that elements of Greene can be distinguished from elements of Haralambopoulos.

For the reasons identified above and in the Appeal Brief, Appellant respectfully submits that claims 2-6 and 8-19 are in condition for allowance, and respectfully requests the withdrawal of the §103(a) rejections.

Respectfully submitted,



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